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OFFICE OF PETITIONS

In re Patent No. 7,247,633 : DECISION ON REQUEST FOR
Issued: July 24, 2007 : RECONSIDERATION OF PATENT
Application No. 10/618,868 : TERM ADJUSTMENT AND
Filed: July 14, 2003 : NOTICE OF INTENT TO ISSUE
Atty Docket No. 13425-056002 : CERTIFICATE OF CORRECTION

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705(d)" filed September 24, 2007. Patentee requests that the patent term adjustment for the above-identified patent be corrected from zero (0) days to eight (8) days.

The request for reconsideration of the patent term adjustment indicated in the patent is GRANTED.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **eight (8) days**.

On July 24, 2007, Application No. 10/618,868 matured into Patent No. 7,247,633. The instant request for reconsideration was timely filed on September 24, 2007, within two (2) months of the date the patent issued. See 37 CFR 1.705(d). Patentee disputes the reduction of 27 days and 48 days associated with the filing of "Miscellaneous Incoming Letters" received in the Office on May 11, 2007, and June 7, 2007, respectively. Additionally, patentee states that patentee should be assessed a delay of 92 days instead of 91 days pursuant to 37 CFR 1.704(b).

A review of the application history reveals that the patent term adjustment was reduced by 27 days and 48 days for the submission of "Miscellaneous Incoming Letters" received in the Office on May 11, 2007, and June 7, 2007, respectively. See 37 CFR 1.704(c)(10). The record confirms that a Letter of Candor and Good Faith was filed on May 11, 2007, and a Response to the Notice of Allowance was filed on June 7, 2007, after the mailing of the notice of allowance. Neither a Letter of Candor and Good Faith nor a Response to Notice of Allowance is a paper for which its filing is considered a "failure to engage in reasonable efforts" within the meaning of 37 CFR 1.704(c)(10). Thus, it is concluded that the reduction of 27 days and 48 days is not warranted.

Further, a review of the application history confirms that patentee should be assessed a delay of 92 days, instead of 91 days pursuant to 37 CFR 1.704(b). Patentee notes that the Office incorrectly entered the date of receipt of the Request for Continued Examination (RCE) as January 25, 2007, instead of January 26, 2007. Thus, the date of January 26, 2007, and not January 25, 2007, should have been used for calculating PTA. Pursuant to 37 CFR 1.704(b), the patent term adjustment should be reduced by 92 days, the number of days in the period beginning on the day after the date that is three months after the date of mailing of the final Office action, October 27, 2006, and ending on the date the RCE was filed, January 26, 2007.

In view thereof, the patent term adjustment indicated in the patent should be **eight (8) days** (230 days of Office delay - 222 days of applicant delay).

The \$200.00 fee set forth in 37 CFR 1.18(e) will be charged to the Deposit Account as authorized. No additional fee is required.

This matter is being referred to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **eight (8) days**.

Telephone inquiries specific to this matter should be directed to Christina Tartera Donnell, Senior Petitions Attorney, at (571) 272-3211.

Kery A. Fries

Kery A. Fries

Senior Legal Advisor

Office of Patent Legal Administration

Office of Deputy Commissioner

for Patent Examination Policy

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,247,633 B2

DATED : Jul. 24, 2007

INVENTOR(S) : Nilsson

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 0 days

Delete the phrase "by 0 days" and insert – by 8 days--

Day : Wednesday

Date: 7/2/2008

Time: 11:54:07

PALM INTRANET**PTA Calculations for Application: 10/618868**

Application Filing Date:	07/14/2003	PTO Delay (PTO):	230
Issue Date of Patent:	07/24/2007	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	296
Post-Issue Petitions:	0	Total PTA (days):	8
PTO Delay Adjustment:	74		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
69	07/02/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		1	
68	07/02/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	75		
63.5	07/04/2007	PTA 36 MONTHS			
63	07/24/2007	PATENT ISSUE DATE USED IN PTA CALCULATION			
62	06/27/2007	DISPATCH TO FDC			
61	06/07/2007	MISCELLANEOUS INCOMING LETTER		48	
60	05/11/2007	MISCELLANEOUS INCOMING LETTER		27	
59	06/12/2007	APPLICATION IS CONSIDERED READY FOR ISSUE			
58	06/07/2007	ISSUE FEE PAYMENT VERIFIED			
57	06/06/2007	FINISHED INITIAL DATA CAPTURE			
56	06/07/2007	ISSUE FEE PAYMENT RECEIVED			
55	04/09/2007	EXPORT TO INITIAL DATA CAPTURE			
54	04/05/2007	MAIL NOTICE OF ALLOWANCE			
53	04/05/2007	MAIL EXAMINER'S AMENDMENT			
52	04/02/2007	ISSUE REVISION COMPLETED			
51	04/02/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
50	04/02/2007	EXAMINER'S AMENDMENT COMMUNICATION			
49	04/02/2007	NOTICE OF ALLOWABILITY			
48	02/02/2007	DATE FORWARDED TO EXAMINER			
47	01/25/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
46	02/02/2007	DATE FORWARDED TO EXAMINER			
45	01/25/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)		91	41

44	02/02/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
43	01/25/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
42	01/25/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
41	07/26/2006	MAIL FINAL REJECTION (PTOL - 326)			
40	07/24/2006	FINAL REJECTION			
39	07/14/2003	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
38	05/15/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
37	05/15/2006	REFERENCE CAPTURE ON IDS			
36	05/15/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	34
35	05/22/2006	DATE FORWARDED TO EXAMINER			
34	05/15/2006	RESPONSE AFTER NON-FINAL ACTION		95	32
33	05/15/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
32	11/09/2005	MAIL NON-FINAL REJECTION			
31	10/01/2005	NON-FINAL REJECTION			
30	09/21/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
29	09/21/2005	DATE FORWARDED TO EXAMINER			
28	09/06/2005	RESPONSE TO ELECTION / RESTRICTION FILED		35	26
27	09/06/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
26	05/02/2005	MAIL RESTRICTION REQUIREMENT	230		-1
25	04/25/2005	REQUIREMENT FOR RESTRICTION / ELECTION			
24	01/22/2004	APPLICATION RETURN FROM OIPE			
23	01/23/2004	APPLICATION IS NOW COMPLETE			
22	01/23/2004	PRE-EXAM OFFICE ACTION WITHDRAWN			
21	01/22/2004	APPLICATION RETURN TO OIPE			
20	01/22/2004	APPLICATION RETURN FROM OIPE			
19	01/23/2004	APPLICATION IS NOW COMPLETE			
18	01/23/2004	PRE-EXAM OFFICE ACTION WITHDRAWN			
17	01/22/2004	APPLICATION RETURN TO OIPE			
16	01/22/2004	APPLICATION RETURN FROM OIPE			
15	01/23/2004	APPLICATION IS NOW COMPLETE			
14	01/22/2004	PRE-EXAM OFFICE ACTION WITHDRAWN			

13	01/22/2004	APPLICATION RETURN TO OIPE			
12	12/12/2003	CASE DOCKETED TO EXAMINER IN GAU			
11	07/14/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	10/10/2003	APPLICATION RETURN FROM OIPE			
9	10/10/2003	APPLICATION RETURN TO OIPE			
8	10/10/2003	APPLICATION DISPATCHED FROM OIPE			
7	10/10/2003	APPLICATION IS NOW COMPLETE			
6	09/29/2003	CASE CLASSIFIED BY OIPE			
5	09/29/2003	CLEARED BY OIPE CSR			
4	09/29/2003	CASE CLASSIFIED BY OIPE			
3	09/29/2003	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
2	08/14/2003	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	07/14/2003	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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